

WEDNESDAY, JANUARY 13, 1988

FORTY-FIFTH LEGISLATIVE DAY

The House met at 1:30 P.M. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Dr. David George, Immanuel Baptist Church, Nashville, Tennessee, guest of Representative Gary Odom.

Representative Gary Odom led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frenseley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 96.

RULES SUSPENDED

Rep. Phillips moved to suspend Rule No. 50 (72-hour rule) so that all noncontroversial congratulatory and memorializing resolutions be automatically referred to Calendar and Rules and placed on the consent calendar on a daily basis, which motion prevailed.

HOUSE RESOLUTION

House Resolution No. 0075 -- General Assembly, Statement of Intent Or Position -- Urges reinstatement of refreshment stand on second floor of State Capitol. by *Rhinehart.

Rep. Rhinehart moved that House Resolution No. 75 be adopted.

Rep. Bragg moved to amend as follows:

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Amendment No. 1

Amend House Resolution No. 75 by adding the following resolving clause:

BE IT FURTHER RESOLVED, That this House hereby further urges the Speaker to take whatever action is necessary to also install a refreshment stand on the first floor of the State Capitol.

Rep. Rhinehart moved to table Amendment No. 1.

Rep. Ellis moved the previous question on Amendment No. 1, which motion prevailed by the following vote, a roll call having been requested by Rep. Bivens:

Ayes	85
Noes	1
Present and Not Voting	5

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frenseley, Gaia, Garrett, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 85.

Representative voting no was: Bragg -- 1.

Representatives present and not voting were: Good, Harrill, Henry, Love, and Moore (Shelby) -- 5.

Rep. Bragg moved to withdraw Amendment No. 1, which motion prevailed.

Rep. Rhinehart moved that House Resolution No. 75 be adopted, which motion prevailed by the following vote.

Ayes	74
Noes	9
Present and Not Voting	10

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Representatives voting aye were: Bell, Bewley, Buck, Burnett, Byrd, Cain, Chiles, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Hawkins, Head, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 74.

Representatives voting no were: Bivens, Duer, Harrill, Hassell, Henry, Herron, Holcomb, Stafford, and Swann -- 9.

Representatives present and not voting were: Bragg, Bushing, Clark, Coffey, Good, Moore (Shelby), Nance, Purcell, Shirley, and West -- 10.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution 0418 -- Memorials, Congratulations -- Honors the city of Munford, Tennessee on being selected the "Small City Progress" award winner by the Tennessee Municipal League. by *Naifeh.

The Speaker referred House Joint Resolution No. 418 to the Calendar and Rules Committee.

*House Joint Resolution 0422 -- General Assembly, Studies -- Continues special joint committee created by HJR 412 of the 95th General Assembly relative to mental retardation delivery systems. by *Henry J, *Naifeh, *Chiles, *Burnett.

The Speaker referred House Joint Resolution No. 422 to the General Welfare Committee.

INTRODUCTION OF BILLS

*House Bill No. 1341 -- Sewage -- Requires issuance of subsurface sewage disposal permit for parcels of certain sizes. Amends TCA, Title 68, Ch. 13. by *Phillips.

Passed first consideration.

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House Bill No. 1342 -- Pikeville -- Provides annual salary for board of mayor and aldermen. Amends Chapter 574, Private Acts of 1939. by *Rhinehart.

Passed first consideration.

***House Bill No. 1343 -- Appropriations -- Clarifies legislative intention regarding allocation of \$1,500,000 to implement TCA 49-5-412. Amends Chapter 457, Public Acts of 1987. by *Rhinehart.**

Passed first consideration.

***House Bill No. 1344 -- Education -- Ratifies supervising principal law. Amends TCA 49-5-412. by *Rhinehart.**

Passed first consideration.

House Bill No. 1345 -- Pensions and Retirement Benefits -- Allows Tennessee County Highway Officials Association to be an employer in the TCRS. Amends TCA 8-35-213. by *Rhinehart.

Passed first consideration.

House Bill No. 1346 -- Insurance, Fire and Casualty -- Requires insurance companies and lending institutions to notify customers of the limitations of insurance coverage on residential structures and land pledged to secure certain loans. Amends TCA, Title 45; Title 56, Ch. 7. by *Ellis.

Passed first consideration.

House Bill No. 1347 -- Consumer Protection -- Regulates certain out of state businesses that sell service contracts for repair and/or warranty of consumer goods. Requires registration and the posting of a bond with Department of Commerce and Insurance. Prescribes remedies and penalties. by *Ellis.

Passed first consideration.

***House Bill No. 1348 -- Taxes, Real Property -- Provides guidelines for determining income of certain low income elderly taxpayers relative to property tax relief. Amends TCA, Title 67, Ch. 5. by *Severance.**

Passed first consideration.

***House Bill No. 1349 -- State Employees -- Restricts persons eligible for certified professional secretary automatic raises. Amends TCA 8-50-1002. by *Severance.**

Passed first consideration.

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***House Bill No. 1350** -- Sports -- Regulates athlete agents and provides civil and criminal penalties. by *Severance.

Passed first consideration.

***House Bill No. 1351** -- Taxes, Sales -- Eliminates sales tax on printed campaign material. Amends TCA 67-6-329. by *Kernell.

Passed first consideration.

***House Bill No. 1352** -- County Boundaries -- Revises boundary between Cumberland and Rhea counties. by *Duer, *Hillis, *Rhinehart.

Passed first consideration.

House Bill No. 1353 -- Marriage -- Grants municipal mayors the authority to solemnize marriages and receive compensation for it. Amends TCA, Title 36, Ch. 3, Pt. 3. by *Crain, *Jackson, *Hobbs, *Holt.

Passed first consideration.

House Bill No. 1354 -- Education -- Authorizes local school boards of border counties to negotiate reciprocal agreements with adjacent counties of other states. Amends TCA 49-6-3108. by *Hawkins, *Naifeh, Cross, DePriest.

Passed first consideration.

***House Bill No. 1355** -- Education -- Modifies the type of plan which is developed upon the suspension of a student. Amends TCA 49-6-3401. by *Whitson, *Winningham.

Passed first consideration.

House Bill No. 1356 -- Litter Control -- Authorizes local governments to regulate litter control. Amends TCA, Title 39, Ch. 3. by *Davis J K.

Passed first consideration.

***House Bill No. 1357** -- Environmental Preservation -- Enacts "Tennessee Statewide Mandatory Source Separation and Recycling Act." Amends TCA, Title 8. by *Davis J K.

Passed first consideration.

***House Bill No. 1358** -- Environmental Preservation -- Regulates storage tanks. by *Davis J K.

Passed first consideration.

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***House Bill No. 1359** -- Solid Waste Disposal -- Imposes tonnage fee on disposal of solid wastes and provides for expenditure of resulting revenues. Amends TCA, Titles 68, 69. by *Davis J K.

Passed first consideration.

***House Bill No. 1360** -- Motor Vehicles -- Allows automobile dismantlers and recyclers to have same office and body shop arrangements as motor vehicle dealers. Amends TCA, Title 55, Ch.17. by *Davis J K.

Passed first consideration.

House Bill No. 1361 -- Alcoholic Beverages -- Authorizes holding of liquor by drink referenda in certain municipalities. Amends TCA, Title 57, Ch. 4. by *Chiles.

Passed first consideration.

House Bill No. 1362 -- County Government -- Authorizes counties having a charter form of government to read summary of certain ordinances on third reading. by *Turner C.

Passed first consideration.

House Bill No. 1363 -- Drugs -- Imposes additional fee in certain counties upon conviction of unlawful possession of controlled substances with intent to sell or deliver, fee allocated to public defender. Amends TCA 39-6-420. by *Turner C.

Passed first consideration.

***House Bill No. 1364** -- Taxes -- Increases the amount to be deducted from the cities' share of the special tax on petroleum products to fund U. T. Center for Government Training. Amends TCA 67-3-905. by *Turner C.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

***House Bill No. 1324** -- Motor Vehicles, Titling and Registration -- Passed second consideration and referred to the Transportation Committee.

***House Bill No. 1325** -- Insurance Companies, Agents, Brokers -- Passed second consideration and referred to the Labor and Consumer Affairs Committee.

***House Bill No. 1326** -- Insurance, Life -- Passed second consideration and referred to the Commerce Committee.

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***House Bill No. 1327** -- Highways, Roads and Bridges -- Passed second consideration and referred to the Transportation Committee.

House Bill No. 1328 -- Pensions and Retirement Benefits -- Passed second consideration and referred to the Finance, Ways, and Means Committee.

House Bill No. 1329 -- Polygraph -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 1330** -- Marshall County -- Passed second consideration and held on the Clerk's desk.

***House Bill No. 1331** -- Gambling -- Passed second consideration and referred to the State and Local Government Committee.

***House Bill No. 1332** -- Motor Vehicles, Titling and Registration -- Passed second consideration and referred to the Transportation Committee.

House Bill No. 1333 -- Sports -- Passed second consideration and referred to the Education Committee.

***House Bill No. 1334** -- Claims Commission, Tennessee -- Passed second consideration and referred to the Finance, Ways, and Means Committee.

***House Bill No. 1335** -- Highways, Roads and Bridges -- Passed second consideration and referred to the Transportation Committee.

***House Bill No. 1336** -- Planning, Public -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 1337 -- Environmental Preservation -- Passed second consideration and referred to the Conservation and Environment Committee.

***House Bill No. 1338** -- Solid Waste Disposal -- Passed second consideration and referred to the Conservation and Environment Committee.

House Bill No. 1339 -- Blount County -- Passed second consideration and held on the Clerk's desk.

House Bill No. 1340 -- Statutes -- Passed second consideration and referred to the Judiciary Committee.

PRESENT IN CHAMBER

Rep. Curlee was announced as being present in the Chamber.

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LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 48, the following local bill, having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and Rules: House Bill No. 1339.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, January 14, 1988 HB 1339, HJR 418.

PHILLIPS, Chairman.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 75; and find same correctly enrolled and ready for the Signature of the Speaker.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 419, 420, 421.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, House Joint Resolution No. 419, 420, 421; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: House Resolution No. 75.

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REPORT OF CHIEF ENGROSSING CLERK

MR SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 419, 420, 421.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Bell, Bawley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 99.

Rep. Naifeh moved that the House recess to meet with the Senate in Joint Convention for the purpose of hearing the State-of-the-State message of the Governor; and further moved that, at the conclusion of the Joint Convention, the House adjourn until 9:00 A.M., Thursday, January 14, 1988, which motion prevailed.